

REMARKS

The application has been amended to correct the cited informalities and to place the application as a whole into a *prima facie* condition for allowance at this time. Care has been taken to avoid the introduction of any new subject matter into the application as a result of the foregoing amendments.

The Examiner has rejected claims 1-26 and 28-30 under 35 U.S.C. §102(a) as purportedly being anticipated by Walker, U.S. Patent No. 5,794,207. The Examiner has also objected to claims 1, 13, 14, 26 and 28 based on certain purported informalities in the claim language. Applicant respectfully traverses each of the above-identified bases for rejection.

With regard to the Examiner's bases for objection to claims 1, 13, 14, 26 and 28 based on purported informalities, Applicant has amended each of those claims in order to address the basis for objection. Specifically, Applicant has replaced the objected-to term "modelling" with the more appropriate term "identifying." Similar amendments have been made to claims 4 and 17. Accordingly, reconsideration and withdrawal of the Examiner's basis for objection to the claims is respectfully solicited.

The Examiner has rejected claims 1-26 and 28-30 under 35 U.S.C. §102(a), as purportedly being anticipated by Walker. Applicant respectfully submits that the cited Walker reference should be deemed incapable of teaching or suggesting the patentably distinguishing structure and mode of operation of Applicant's invention, and that claims 1-26 and 28-30 should be deemed patentable thereover.

The Walker reference discloses a system for arranging financial transactions between buyers and sellers, via a central processor, which stores conditional purchase offers from buyers, records the response from sellers, and engages the necessary

functions to conduct the transaction. In a preferred embodiment, the apparatus of Walker includes a controller which receives binding purchase offers from prospective buyers. The controller makes purchase offers available globally to potential sellers. Potential sellers then have the option to accept a purchase offer and thus bind the corresponding buyer to a contract.

Applicant respectfully submits that independent apparatus claims 1, 13, 14 and 26 and independent method claim 28 patentably distinguish over the Walker reference. In essence, the method and apparatus disclosed by Walker is an example of the sort of prior art systems specifically described in Applicant's Background section, at p. 1 of Applicant's Substitute Specification, lines 11-22. That is, Walker describes a single purpose system which has to be set up to undertake a particular function, namely in this case matching of buyers and sellers for a particular good or service, and does not assist at all in the design of computer systems generally.

In contrast, Applicant's invention provides a transactional computer system which is separate from the client system which defines the particular application required, but nevertheless enables any desired transaction type to be set up or modeled using the system. Applicant's invention is not, for example, limited purely to sales of goods and services. Indeed, the broad scope of Applicant's invention was accurately summarized by the European Patent Office Examiner in his comment in the International Preliminary Examination Report, which stated that:

The present invention solves the technical problem of how to realize in a computer a uniform and general transaction model which a user can adapt to many specific types of transactions.

Walker cannot possibly be deemed to disclose each and every element of Applicant's invention. Applicant notes that the system defined by Applicant's claim 1 is

a system for modeling any transaction between two parties—not just financial transactions. As a result, the system Applicant's invention of claim 1 defines additional features that are not to be found in the prior art document.

For instance, Applicant's claim 1 defines a first entity for "identifying a client system" and "uniquely identifying, using a client system reference, an object in that client system." In the example described in Applicant's specification, the object can be thought of as a "car" which it is desired to "wash" and "dry" according to the specified "assignments" (see Substitute Specification, at p. 5, line 28 – p. 6, line 5). The client system reference, on the other hand, identifies the user computer from which the object reference was posted.

While the Examiner has associated the claimed "first entity" with the buyer or seller information held in the buyer or seller database taught by Walker, this information comprises only a buyer/seller ID, which is a unique number issued by the central controller 200 (see Walker, col. 17, lines 55 – 57). This information is not created "using a client system reference", as required by Applicant's claim 1.

In practice, the unique reference generated by the client system allows the modeling system to track and differentiate objects in the real world. As the modeling system cannot know whether one "car" posted by a user is the same as another "car" posted by the same user, it is necessary for the client system to provide a unique reference which allows the modeling system to differentiate between the two. In doing so, two different "cars" can be uniquely differentiated. Walker discloses no such requirement, as it takes the buyer or seller information as a *prima facie* indication of separate objects.

Additionally, there is no suggestion, let alone mention, in Walker of a first entity storing a client system identifier, or even why this might be desirable. For example, Walker discloses (at col. 13, lines 1 – 10) a buyer database 255 in which buyer data is maintained, such as name, address, credit card number, phone number, ID number, social security number, electronic mail address, credit history, etc. With this information, a reference to the client system is unnecessary, as only the buyer is relevant to the transaction. However, when the object can be other than the buyer—such as a "car", as in Applicant's system—the reference to the client system is essential. Simply put, the object required by Applicant's claim 1 is not limited to a buyer or seller to a transaction—which is why the client system reference is necessary for the modeling system to identify the object. Accordingly, the first entity as claimed by Applicant is neither taught nor suggested by Walker.

Moreover, Walker does not disclose a "second entity" as required by Applicant's claims. As set forth in claim 1, the second entity has the property of "identifying at least one external agent to carry out a transformation in relation to the first entity". As explained in Applicant's specification, a transformation can be thought of as "an operation which can be conducted in relation to an object" (see Substitute Specification, at p. 5, lines 13 – 16). Thus, the external agent can be understood as meaning a facility to carry out a transformation, e.g., a cleaning machine which is required to wash the "car" (see Substitute Specification, at p. 6, lines 2 – 4). Furthermore, the second entity also identifies at least one counter-party to the transaction. This is useful as it allows more complicated processes to be modeled. Walker neither teaches nor suggests an entity which defines both the external agent and a counter-party to the transaction.

The Examiner has taken the definition of the second entity as specifying general features of a computerized marketplace operating system, rather than particular information about the transaction. Such a view is not supported by the disclosure in Applicant's specification, nor is it appropriate in view of the claim wording, which specifies that the second entity is "for defining a transaction". Applicant has amended the wording of its claim language defining the second entity, from "modelling" to "identifying", in order to make this more clear.

In summary, the Walker reference cited by the Examiner does not teach or suggest the claimed modeling system of Applicant's independent claims 1, 13, 14, 26 and 28. Instead, it makes certain assumptions about the nature of the transaction that is to take place, and is therefore not flexible enough to model any transaction or transformation that may be made.

In view of the foregoing, Applicant respectfully submits that the Examiner's bases for rejection of independent claims 1, 13, 14, 26 and 28 should be deemed overcome. Reconsideration and withdrawal of the Examiner's basis for rejection of those claims, and allowance thereof, are respectfully solicited.

Inasmuch as dependent claims 2-12, 15-25 and 29-30 merely serve to further define the subject matter of their respective independent claims, which themselves should be deemed allowable, reconsideration and withdrawal of the Examiner's basis for rejection of those claims, and allowance thereof, are likewise respectfully solicited.

Applicant respectfully submits that the application as a whole is now in a *prima facie* condition for allowance at this time. Therefore, reconsideration of the application, and allowance of claims 1-26 and 28-30, are respectfully solicited. Alternatively, should

the Examiner choose to maintain the previously asserted basis for rejection of the claims, Applicant respectfully requests that the Examiner quickly issue a timely advisory action, informing Applicant of such continued basis for rejection.

Should anything further be required, a telephone call to the undersigned at (312) 456-8400 is respectfully requested.

Respectfully submitted,

  
Herbert H. Finn  
One of Attorneys for Applicant

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Dated: September 7, 2004

  
Herbert H. Finn

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